

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

<b>ARICA SMITH</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-24-1364-SLP</b>
	)	
<b>LVNV FUNDING LLC,</b>	)	
<b>Defendant.</b>	)	

**COMPLAINT AND DEMAND FOR JURY TRIAL**

**I. INTRODUCTION**

1. This is an action for actual and statutory damages brought by Plaintiff Arica Smith, an individual consumer, against Defendant, LVNV Funding LLC, for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair debt collection practices.

**II. JURISDICTION AND VENUE**

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) and 28 U.S.C § 1331.
3. Venue in this District is proper in that the Defendant transacts business in Oklahoma City, Oklahoma County, Oklahoma, and the conduct complained of occurred in Oklahoma City, Oklahoma.

**III. PARTIES**

4. Plaintiff is a natural person residing in Oklahoma City, Oklahoma County, Oklahoma.

5. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
6. Upon information and belief, Defendant is a South Carolina corporation with its registered agent for service of process as follows: Corporation Service Company, 10300 Greenbriar Place, Oklahoma City, OK 73159.
7. Defendant regularly attempts to collect consumers' debts alleged to be due to another.
8. Defendant is engaged in the collection of debt from consumers using the mail and telephone.
9. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C § 1692a(6).

#### **IV. FACTS OF THE COMPLAINT**

10. On or about October 22, 2024, Plaintiff reviewed her credit report and observed that Defendant is attempting to collect a debt allegedly owed to Credit One Bank, N.A. in the amount of \$648.45.
11. On October 22, 2024, Plaintiff sent a letter to Defendant stating, "*I refuse to pay the debt*" pursuant to 15 U.S.C. § 1692c(c).
12. Plaintiff's letter was delivered to Defendant on October 26, 2024 via USPS certified mail.
13. Defendant continued collection efforts by forwarding correspondence to Plaintiff via mail dated November 4, 2024 regarding alleged debt validation. Defendant also

included several documents which Plaintiff believed to be alleged accounting statements of the debt, in violation of 15 USC 1692c(c).

14. Plaintiff has suffered actual damages as a result of the illegal debt collection communications by Defendant in the form of intrusion upon seclusion, anger, anxiety, decreased ability to focus on tasks, loss of time, loss of money, frustration, amongst other negative emotions.

**V. FIRST CLAIM FOR RELIEF**  
**15 U.S.C. §1692c(c)**

15. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.
16. Defendant's debt collection efforts violated the FDCPA, particularly §1692c(c) states:

- (a) If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt, except-
  - (1) to advise the consumer that the debt collector's further efforts are being terminated;
  - (2) to notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by such debt collector or creditor; or
  - (3) where applicable, to notify the consumer that the debt collector or creditor intends to invoke a specified remedy.

If such notice from the consumer is made by mail, notification shall be complete upon receipt.

17. Defendant's acts were done with intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of coercing Plaintiff to pay an alleged debt.
18. As a result of the above violations of the FDCPA, the Defendant is liable to Plaintiff for actual damages, statutory damages and costs.

**VI. JURY DEMAND AND PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C § 1692k(a)(1);
- C. Statutory damages pursuant to 15 U.S.C § 1692k(a)(2);
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C § 1692k(a)(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: December 30, 2024

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